

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ANTOINE NELSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 1:20-cv-00777-JPH-TAB
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER DISMISSING MOTION FOR RELIEF PURSUANT TO 28 U.S.C. § 2255 AS  
PREMATURE**

On March 8, 2019, Petitioner Antoine Nelson pleaded guilty in this Court to being a felon in possession of a firearm. *United States v. Nelson*, 1:18-cr-23-JPH-TAB-1 (“Cr. Dkt.”), dkt. 87. Judgment was issued on June 13, 2019. Cr. Dkt. 97. Nelson filed a notice of appeal on June 18, 2019. Cr. Dkt. 99. His appeal is still pending. *See United States v. Nelson*, 19-2161 (7th Cir.).

Nelson filed this motion for relief pursuant to 28 U.S.C. § 2255 on March 10, 2020. His motion must be **DISMISSED without prejudice** as premature because his direct appeal is still pending. *See United States v. Jenkins*, 750 F. App’x 486, 487 (7th Cir. 2019), *reh’g denied* (Mar. 4, 2019) (citing *United States v. Robinson*, 8 F.3d 398, 405 (7th Cir. 1993)). The **clerk shall terminate** the motion to vacate in 1:18-cr-23-JPH-TAB-1.

Judgment dismissing this action without prejudice shall now issue.

**SO ORDERED.**

Date: 3/19/2020



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

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